

AS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jonathan Nick MORALES

Defendant.

Magistrate Case No. '08 MJ 0017

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **January 1, 2008**, within the Southern District of California, defendant **Jonathan Nick MORALES**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Pedro RIVERA-Cervantes**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF
JANUARY, 2008.

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

The complainant states that **Pedro RIVERA-Cervantes** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 1, 2008 at approximately 2245 hours **Jonathan Nick MORALES (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a green Saturn sedan. Defendant presented a California driver license bearing his name and photograph to a Customs and Border Protection (CBP) Officer. The CBP Officer received a negative customs declaration from the Defendant. The CBP Officer conducted a cursory inspection of the vehicle and observed abnormalities in the rear seat. The CBP Officer referred Defendant into secondary inspection.

During secondary inspection, a non-factory compartment under the rear seat was discovered. Subsequently, one male individual was removed from the compartment. The male individual was removed from the compartment by CBP Officers and is now identified as a Material Witness: **Pedro RIVERA-Cervantes**. Material Witness was determined to be a citizen of Mexico with no entitlements to enter the United States. Defendant and Material Witness were escorted to the prosecutions unit area for further processing.

During a videotaped interview Material Witness admitted he is a citizen of Mexico not possessing the proper documentation to enter into, pass through, or remain in the United States. Material Witness admitted his cousin made arrangements and was to pay an unknown amount for him to be smuggled into the United States. Material Witness stated he intended to travel to Los Angeles, California to seek employment and residency.